

Notice of Allowability

Application No.

09/842,001

Examiner

Kristie Shingles

Applicant(s)

KISHIMOTO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/31/2006.
2. ☒ The allowed claim(s) is/are 7-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER

kds/20061012

DETAILED ACTION

Per Applicant's Request for Continued Examination:

Claims 7, 9-14 and 16-20 have been amended. Claims 1-6 have been cancelled.

Claims 7-20 are pending.

Claims 7-20 are allowed.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/31/2006 has been entered.

Reasons for Allowance

(The following is an Examiner's statement of reasons for allowance)

2. The prior art or record fails to teach neither singly nor in combination, the claimed limitation of "a storage management server coupled with said host computer via a second connection and said service processor via a third connection, wherein said host computer does not read/write said storage operating data directly from/to said external storage device, and instead executes an application program associated with said storage operating data server program so as to read/write said storage operating data indirectly from/to said external storage device through said storage management server and said third connection in order to manage the volume configuration and/or volume movement of said storage data, and wherein said host

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computer commands reads/writes of said storage data from/to said external storage device through said first connection, and wherein said storage management server is adapted to acknowledge said volume configuration and /or volume movement operation back to said host computer before said volume configuration and/or volume movement operation has completed, so as to enable turn-off of said host computer during at least a portion of said volume configuration and/or volume movement operation” as stated in independent Claims 7 and 14 (supported by Applicant’s Drawings and Disclosure: Figure 4 and page 2 paragraphs 0022-0026).

Specifically, the prior art of record: *Chong, Jr.* (US 6,397,267), *Jesionowski et al* (US 6,480,905) and *Kornigibel et al* (US 5,416,914) all teach host devices with separate paths—a control/command path and a data path—for sending management data over the control/command path while transmitting read/write data over the data path; while *Long* (US 6,328,766) pertains to a host with dual connections to a library controller and a storage drive and *Rosen et al* (US 6,643,700) teaches establishing a control link for which to transmit control messages from the host to the storage device. However, the prior art fails to teach or suggest the claimed limitation wherein said storage management server is adapted to acknowledge said volume configuration and/or volume movement operation back to said host computer before said volume configuration and/or volume movement operation has completed, so as to enable turn-off of said host computer during at least a portion of said volume configuration and/or volume movement operation. As discussed in Applicant’s Remarks (pages 10-15) filed 7/31/2006, this limitation, in conjunction with other limitations in the independent and dependent claims, is not explicitly disclosed or remotely suggested in the prior art of record. A review of Claims 7-20, in view of the Examiner's

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remarks above, indicates that Claims 7-20 are allowable over the prior art of record.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner

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